

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

RARE BREED TRIGGERS, LLC; RARE  
BREED FIREARMS, LLC; LAWRENCE  
DEMONICO; KEVIN MAXWELL,

Defendants.

Civil Action No. 23-cv-369  
(Morrison, J.)  
(Levy, M.J.)

**DECLARATION OF WILLIAM RYAN**

I, William Ryan, have personal knowledge of the following facts set forth below, and if called as a witness I would testify as follows:

1. I have been employed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since April 2009. Currently, I am the Chief of ATF's Firearms and Ammunition Technology Division (FATD) in Martinsburg, West Virginia. Prior to this position, I served as the Assistant Chief Counsel, Firearms and Explosives Law Division, Office of Chief Counsel. In both of these roles I have been involved in the daily operations of FATD, and have knowledge pertaining to the classification processes as well as legal review of FATD workproduct. I have substantial personal experience with the FATD classifications process of firearms under the Gun Control Act of 1968 (18 U.S.C. Chap 44) (GCA) and the National Firearms Act (26 U.S.C. Chap 53) (NFA).

**I. The FATD**

2. FATD provides expert technical support on firearms and ammunition to ATF, the firearms and ammunition industry, the general public, and other law enforcement agencies. The

division is the federal technical authority relating to firearms and ammunition and their classification under federal laws and regulations.

3. FATD maintains an extensive firearms reference collection, firearms technical reference files, a reference library, as well as firearms and ammunition resources.

4. FATD is currently comprised of five branches including the Firearm Technology Industry Services Branch (FTISB) and three regional Field Response Branches (FRBs). The fifth branch is the Firearms Enforcement Officer Development Branch, which includes the Interstate Nexus Program. The Interstate Nexus Program promotes and supports ATF's firearms enforcement programs by providing firearms and ammunition services, Interstate Nexus training, and operational support to ATF's approximately 450 trained Interstate Nexus Experts. The Program also conducts firearm and ammunition factory tours for Nexus agents, maintains records on firearms and ammunition, as well as on firearms and ammunition manufacturers, and conducts research into interstate nexus issues involving firearms and ammunition.

## **II. Firearms Enforcement Officers (FEO)**

5. FEOs are trained experts in firearms identification and classification who perform duties including evaluation of firearms and ammunition; provide technical information regarding firearms identification, operation and design for purposes of assisting law enforcement in the implementation of the Gun Control Act of 1968 (GCA) and the National Firearms Act of 1934 (NFA); conduct examination and testing of firearms evidence in criminal cases; and prepare official responses to written inquiries from the Firearms industry and the public.

6. FEOs come from different backgrounds but most are former law enforcement officers or members of the military, and/or have worked in the firearms industry as gunsmiths or otherwise have experience with firearms. Following initial training in which FEOs receive basic

instruction on topics including firearm operation and design, firearms identification, and classification of firearms and ammunition under Federal law, FEOs are assigned to either a FRB or FTISB, and perform their duties under the supervision of a Branch Chief. FEOs typically rotate through FTISB and a FRB.

7. FATD currently employs approximately 28 FEOs including Branch Chiefs.

### **III Firearm Technology Industry Services Branch (FTISB)**

8. FTISB is responsible for providing industry-related technical support. FTISB interacts with members of the firearms industry and members of the public on technical firearms issues involving the classification of firearms under the GCA and/or NFA. This includes the physical examination of submitted exemplars or designs by such members and providing a responsive classification, where possible, to the submitting party.

9. FTISB assists the firearms and ammunition industry, and the public, in part, by providing examinations and classifications of firearms and ammunition for the firearms industry, responding to inquiries from the general public regarding firearms technology issues, reviewing and providing marking variances to the firearms industry, and responding to field operations requests for information.

10. Members of the public and the firearms industry may submit a firearm or ammunition to FTISB for classification. Once a firearm is submitted, it will be assigned to an FEO who will examine the firearm and may photograph, video record, disassemble and/or test fire the item. The FEO will then complete a written classification of that item. The written document will be peer-reviewed by another FEO to help identify any substantive issues as well as grammatical or spelling mistakes. When complete, the FEO forwards the classification document

to the FTISB Branch Chief for signature. If the Branch Chief concurs, the Branch Chief signs the written classification.

11. FATD classifications determine whether or not a firearm is regulated under the GCA and NFA, among other forms of evaluations and classifications.

#### **IV. Field Response Branches**

12. The FRBs are responsible for responding to and acting upon ATF Field Operation requests to examine, test, and classify firearms and ammunition and provide Firearms Enforcement Officers (FEO) support in enforcement operations, firearm identification, evaluation, and classification. The FRBs perform functions including the examination, testing, and classification of evidence in criminal cases, assists ATF special agents by providing technical assistance during search warrants, provides training to field offices on technical firearms issues, and provides expert witness testimony in criminal cases.

13. ATF has three FRBs in the United States. The Branch Chiefs are located in Martinsburg, WV; Dallas, TX; and Las Vegas, NV.

#### **V. FATD Role in Criminal Investigations**

14. In connection with a criminal investigation, to receive a criminal evaluation report in which a firearm or ammunition is evaluated and classified under Federal law, law enforcement officers submit firearms to the respective FRBs. Such evaluations are required to determine whether a firearm may be lawfully possessed or distributed, and to assess and evaluate application of the operative federal statute(s). Once submitted, the firearm will be assigned to an FEO who will examine the firearm and may photograph, video record, disassemble and/or test fire the item. The FEO will then complete a written evaluation of that item. The written document—a Report of Technical Examination—will be peer-reviewed by another FEO to help identify any substantive

issues as well as grammatical or spelling mistakes. When complete, the report is signed by the FEO and is sent to the Branch Chief for final signature. If the Branch Chief concurs with the written evaluation, the Branch Chief signs the report. The report is ultimately forwarded to the submitting law enforcement officer and the evidence is returned if in the custody of the FEO.

15. In Fiscal Year 2022, FATD completed 888 criminal case evaluations involving 2662 total exhibits.<sup>1</sup>

16. I conducted a search of Intranet Quorum (IQ), an internet browser-based case management and workflow system used by ATF offices, including FATD, and I am aware of an ATF Report of Investigation (ROI) written under ATF case number 767070-21-0057 and identified as Report Number 1, which discusses a FATD Report of Technical Examination (RTE) of the FRT-15 and which identifies the date of the RTE as June 6, 2021. The first RTE written with respect to the FRT-15 is report number 317066, dated July 15, 2021. RTE 317066 was authored by FEO David A. Smith in connection with ATF case number 163080-21-0006.

17. In Fiscal Year 2021, according to the IQ database maintained by ATF, FATD completed 30 classifications of firearms submitted by the firearms industry and general public.

18. In Fiscal Year 2022, according to the IQ database maintained by ATF, FATD completed 77 classifications of firearms submitted by the firearms industry and general public.


19. To date for 2023, according to the IQ database maintained by ATF, FATD completed 120 classifications of firearms submitted by the firearms industry and general public.

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<sup>1</sup> An evaluation conducted in connection with a criminal investigation may involve more than one firearm. The report will provide a finding with respect to each exhibit submitted.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 25, 2023.

By:   
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William Ryan  
Chief, FATD